

## Message Text

UNCLASSIFIED

PAGE 01 WINNIP 00367 141604Z  
ACTION EUR-12

INFO OCT-01 ISO-00 EB-08 COME-00 TRSE-00 OMB-01 AGR-01  
L-03 CIAE-00 INR-10 NSAE-00 /036 W  
-----088774 150106Z /21  
R 141545Z AUG 78  
FM AMCONSUL WINNIPEG  
TO SECSTATE WASHDC 2337  
INFO AMEMBASSY OTTAWA

UNCLAS WINNIPEG 367

E.O. 11652: N/A  
TAGS: EINV, CA  
SUBJ: LAND OWNERSHIP  
REF: A) WINNIPEG A-17 8/19/77  
B) STATE 185751  
C) WINNIPEG A-30 11/26/73

1. NEAR THE END OF ITS RECENTLY CONCLUDED 1978 SESSION, THE MANITOBA LEGISLATURE APPROVED A BILL WHICH REMOVES ALL RESTRICTIONS ON THE PURCHASE OF AGRICULTURAL LAND BY CANADIANS, LANDED IMMIGRANTS PERMANENTLY RESIDENT IN CANADA AND CANADIAN CORPORATIONS WHILE INCREASING THE RESTRICTIONS ON THE PURCHASE OF AGRICULTURAL LAND BY FOREIGNERS. THE AGRICULTURAL LANDS PROTECTION ACT BECAME LAW ON JULY 20, 1978.

2. DESPITE THE NEW TITLE OF THE ACT, THE NEW LEGISLATION ACTUALLY AMOUNTS TO A SERIES OF AMENDMENTS TO THE PREVIOUS FARM LANDS PROTECTION ACT OF JUNE, 1977. WHILE THE ACT ELIMINATES RESTRICTIONS ON THE PURCHASE OF FARM LANDS BY CANADIANS AND LANDED IMMIGRANTS PERMANENTLY RESIDENT IN CANADA, IT PLACES MORE STRINGENT RESTRICTIONS ON FOREIGN PURCHASES OF MANITOBA FARM LAND. FOR EXAMPLE, UNDER THE PREVIOUS ACT FOREIGNERS WERE ALLOWED TO HOLD UP TO 160 ACRES OF FARM LAND, UNDER THE NEW ACT, THE AMOUNT HAS BEEN REDUCED TO 20 ACRES. FOREIGNERS ARE ALSO PROHIBITED FROM USING TRUSTS AS A VEHICLE FOR ACQUIRING ADDITIONAL LAND.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 WINNIP 00367 141604Z

3. CORPORATE LAND OWNERSHIP REGULATIONS HAVE ALSO BEEN AMENDED. NOW IN ORDER FOR A CORPORATION TO BE ELIGIBLE TO PURCHASE AN UNRESTRICTED AMOUNT OF AGRICULTURAL LAND, IT MUST HAVE A MAJORITY OF ITS ISSUED VOTING AND NON-VOTING SHARES LEGALLY AND BENEFICIALLY OWNED BY CANADIAN CITIZENS OR LANDED IMMIGRANTS PERMANENTLY RESIDENT IN CANADA. THE PREVIOUS LEGISLATION

ALLOWED CORPORATIONS TO PURCHASE UNLIMITED AMOUNTS OF FARM LAND IF 60 PER CENT OR MORE OF ITS SHARES WERE OWNED BY CANADIAN FARMERS. UNDER THE NEW ACT, SHOULD OWNERSHIP OF A CANADIAN CORPORATION, WHICH HOLDS MORE THAN 20 ACRES OF AGRICULTURAL LAND, PASS INTO NON-RESIDENT OWNERSHIP, THE LAND IN MANITOBA OWNED BY THIS CORPORATION WILL HAVE TO BE REDUCED TO 20 ACRES WITHIN TWO YEARS OF THE DATE OF THE SALE OR TRANSFER OF THE SHARES.

4. THE ENFORCEMENT AUTHORITY OF THE FARM LANDS PROTECTION BOARD HAS ALSO BEEN STRENGTHENED WITH THE NEW PROVISION THAT THE ONUS OF PROVING WHETHER A PERSON OR A CORPORATION IS A RESIDENT OF CANADA LIES ON THAT PERSON OR CORPORATION AS THE CASE MAY BE. A MAXIMUM PENALTY OF CANADIAN 15,000 DOLS HAS ALSO BEEN ESTABLISHED FOR ANY PERSON OR CORPORATION WHICH, KNOWINGLY AND WILLINGLY, CONTRAVENES ANY PROVISION OF THE ACT OR THE REGULATIONS. THIS PENALTY COULD ALSO BE APPLIED TO ANY OFFICER, DIRECTOR OR AGENT OF THE CORPORATION RESPONSIBLE FOR THE OFFENCE BEING COMMITTED.

5. AS WITH PAST ACTS, THIS ONE PREVAILS OVER THE LAW OF PROPERTY ACT OF 1874.

6. COPIES OF THE AGRICULTURAL LANDS PROTECTION ACT OF 1978 ARE BEING SENT UNDER SEPARATE COVER TO THE DEPT. AND AMEMBASSY, OTTAWA.  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 WINNIP 00367 141604Z

CARPENTER

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAND OWNERS, LEGISLATIVE BILLS, PROVINCIAL GOVERNMENT, REAL PROPERTY ACQUISITION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978WINNIP00367  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780332-0967  
**Format:** TEL  
**From:** WINNIPEG  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780865/aaaaccos.tel  
**Line Count:** 95  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 3c188663-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 WINNIPEG A-17  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1742990  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LAND OWNERSHIP  
**TAGS:** EINV, CA  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/3c188663-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014